

JURISDICTION:

General Reference:

Basis for a Speed Law Violation:

Basic Speed Rule:

Statutory Speed Limit:
See Other below.

Posted (Maximum) Speed Limit:

Minimum Speed Limit:

Posted (Minimum) Speed Limit:

Basis for a Speed Law Violation:
(continued)

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This chapter summarizes Kansas State statutes related to speed.
Kansas Statutes Annotated and Kansas Administrative Regulations

A person shall not operate a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual hazards than existing. 8-1557

70 MPH on multilaned highways as designated by the State Secretary of Transportation 8-1558(a)(2)
65 MPH on all other highways except a county or township highway 8-1558(a)(4)
55 MPH on a county or township highway 8-1558(a)(3)
30 MPH in an urban district 8-1558(a)(1)

I. The State Secretary of Transportation may decrease the above speed limits. 8-1559(a)(1)
II. The State Secretary of Transportation or local government authorities may establish a speed limit in a construction zone. 8-1559(a)(c)
III. Based on engineering and traffic investigations, a local government may increase or decrease the above speed limits within its jurisdiction. However, the following limitations apply. (1) A speed limit cannot be established greater than 65 MPH. (2) Outside an urban or residence district, the speed limit cannot be less than 20 MPH. (3) Within an urban district school zone, when students are going either to or from school, the speed limit cannot be less than 20 MPH. 8-1560(a) &(b) and 8-2002
IV. Local authorities, which have authority over a county or township, may establish proper highway speed limits within these jurisdictions. Such speed limits may be established with or without an engineering or traffic investigation. However, no speed limit shall established >65 MPH. 8-1560(h)
V. Local authorities, within their respective jurisdictions, may establish speed limits within construction zones. 8-1560(f)

I. No person shall operate a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. 8-1561(a)
II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. 8-1514(b)

I. Based on engineering and traffic investigations, either the State Secretary of Transportation or local government authorities may establish a minimum speed limit on any highway or part thereof. 8-1561(b)

The secretary may decrease such limits based either on engineering and traffic investigations or on other information that is available. Under no circumstances is the secretary authorized to increase a speed limit in excess of the statutory maximum limits. 8-1559(a) & (d) In addition, the State may establish different highway speed limits for (1) for different types of vehicles (e.g., persons, who operate certain types of trucks, may be required to drive these vehicles at a slower speed than those who operate other types of motor vehicles), (2) at different times of the day, (3) for various weather conditions or (4) for other factors bearing on safe speeds. 8-1559(b)

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Posted (Minimum) Speed Limit: (continued)

II. Based on engineering and traffic investigations, either the State Secretary of Transportation or local government authorities may establish a maximum speed limit on any bridge or elevated structure. 8-1563(c) & (d)

Other:

I. A motor-driven cycle shall not be operated at a speed greater than 35 MPH. 8-1562
II. A vehicle which is towing a house trailer shall not be operated at a speed greater than 55 MPH. 8-1563(a)
III. A vehicle equipped with solid rubber tires shall not be operated at a speed greater than 10 MPH. 8-1563(b)
IV. While traveling either to or from a school, interschool or intraschool functions or activities, a school bus cannot be driven either (1) >45 MPH on roadways having a dirt, sand or gravel surface or (2) >55 MPH on other highways. 8-1558(b)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All Speed Law Violations are Traffic Infractions. 8-2116, 8-2118 & 21-3105(2)

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,

Etc.):

None

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

Not more than **\$500**² 21-4503a(d)

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

If an offender is subject to a license suspension because of 3 moving violations within 12 months, they may be allowed to maintain their driving privileges by attending a driver improvement clinic. 8-255(f)
Construction Zone. For speeding violations committed within a construction zone, the fine is **double** the usual amount for a speeding offense. 8-2118(e)

Other:

Sanctions Following an Adjudication of a Speed Law Violation: (continued)

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Suspension³ 8-255(a)(1) & (2)

If a person either waives their right to a trial for, pleads guilty to or no contest to a traffic infraction, the fine imposed is determined via the uniform fine schedule. Under the schedule, the following fines are imposed for speeding offenses. I. For violating the basic speed rule, the fine is \$20. For exceeding the speed limit by 1 to 10 MPH, the fine is \$20. For exceeding the speed limit by 11 to 20 MPH, the fine is \$10 plus \$2 for every MPH above 10 MPH over the limit. For exceeding the speed limit by 21 to 30 MPH, the fine is \$30 plus \$3 for every MPH above 20 MPH over the limit. For exceeding the speed limit by 31 MPH, the fine is \$60 plus \$5 for every MPH above 30 MPH over the limit. II. For impeding the normal flow of traffic, the fine is \$10. III. For speeding on a motor cycle, the fine is \$20. IV. For exceeding the posted maximum safe speed on a bridge or elevated structure, the fine is \$10. V. For not driving in the right-lane when proceeding at a speed less than the normal speed of traffic, the fine is \$20. 8-2118(f)

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Term of License Withdrawal
(Days, Months, Years, etc.):
Mandatory Minimum Term of
Withdrawal:

Not more than **1 year** 8-256

None

Miscellaneous Sanctions
Not Included Elsewhere:

Assessment. An offender is assessed \$7 in addition to any fine.⁴ This assessment is used to fund various law enforcement and crime victim activities. 8-249(b) & 12-4117 and Kansas Administrative Regulations 92-52-9

Other Criminal Actions Related to Speeding:

Racing on Highway:

Class A, B or C Misdemeanor⁵ 8-1565(a) & (d) and 8-2116(b)

Sanctions:

Criminal Sanction:

Imprisonment (Term):

1st offense-Not more than **1 months** 2nd offender (within 1 year)-
Not more than **6 months** 3rd or subsequent offender (within 1 year)-
Not more than **1 year** 21-4502(1)(a), (b) & (c)

Mandatory Minimum Term:

None

Fine (\$ Range):

1st offense-Not more than **\$500** 2nd offender (within 1 year)-Not
more than **\$1,000** 3rd or subsequent offender (within 1 year)-Not
more than **\$2,500** 21-4503a(b)(1), (2) & (3)

Mandatory Minimum Fine:

None

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Length of Term of

Licensing Withdrawal:

Mandatory Action--Minimum

Length of License

Withdrawal:

Suspension³ 8-255(a)(1) & (2)

Not more than **1 year** 8-256

None

Other:

If an offender is subject to a license suspension because of 3 moving

Other Criminal Actions Related to Speeding:
(continued)

Racing on Highway: (continued)

Other: (continued)

violations within 12 months, they may be allowed to maintain their
driving privileges by attending a driver improvement clinic. 8-255(f)

Reckless Driving:

Misdemeanor 8-1566(a) & (b)

Sanction:

Basis for Suspension. The licensing agency is authorized to suspend an offenders's license if the following conditions are satisfied. I. The offender has committed serious traffic law violations which indicate a disrespect for the traffic laws. II. The offender has been convicted of 3 or more moving traffic law violations within a 12 month period. 8-255(a)(1) & (2)

This assessment may only apply to offenses committed under 8-1558 (exceeding the statutory speed limit), 8-1562 (driving too slow and impeding traffic) and 8-1563 (driving certain speeds while towing a house trailer or operating a vehicle with solid rubber tires).

A 1st offense is a Class C misdemeanor. A 2nd offense within 1 year is a Class B misdemeanor. And, a 3rd or subsequent offense within 1 year is a Class A misdemeanor. 8-2116(b)

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Criminal:	
Imprisonment (Term):	<u>1st offense-5 to 90 days 2nd or subsequent offense-10 days to 6 months</u> 8-1566(b)
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	<u>1st offense-\$25 to \$500 2nd or subsequent offense-\$50 to \$500</u> 8-1566(b)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Revocation 8-254(a)(5)
Length of Term of License Withdrawal Action:	Not more than 1 year 8-265
Mandatory Term of License Withdrawal Action:	None An offender may be issued restricted driving privileges in lieu of revocation. 8-254(b)
Other:	Assessment. An offender is assessed \$7 in addition to any fine. This assessment is used to fund various law enforcement and crime victim activities. 8-249(b) & 12-4117 and Kansas Administrative Regulations 92-52-9

Commercial Motor Vehicle (CMV) Operators⁶:

<u>Grounds for Disqualification:</u>	A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations" ⁷ within a 3 year period or (2) commit 3 such violations within a 3 year period. 8-2,142(f)
<u>Period of Disqualification:</u>	<u>2 serious violations</u> (within 3 years)-Not less than 60 days <u>3 serious violations</u> (within 3 years)-Not less than 120 days 8-2,142(f)
<u>Period of Mandatory Disqualification:</u>	<u>2 serious violations</u> (within 3 years)- 60 days <u>3 serious violations</u> (within 3 years)- 120 days 8-2,142(f)

⁶ A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of $\geq 26,001$ lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. 8-2,128(f)

⁷ A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. 8-2,128(v) & (b)